

CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS



The California Legislature considers many bills on privacy issues each year. This page lists some of the currently pending or recently enacted bills. To get more information on the bills and their status, click on the link below and enter the bill number.

[Current Privacy Legislation
www.leginfo.ca.gov/bilinfo.html](http://www.leginfo.ca.gov/bilinfo.html)

2005 Privacy Legislation Pending

SB 7 (Figueroa) – Internet Privacy: This bill would declare the Legislature's intent that a provider of e-mail services may not use the contents of e-mail messages to develop personally identifiable profiles of individuals and may not extract e-mail addresses or other personally identifiable information for the provider's own purposes.

SB 13 (Bowen) – Personal Information: State Agencies: This bill would amend the Information Practices Act, the privacy law that applies to state agencies, to eliminate the provisions authorizing a state agency to disclose personal information for certain research purposes. It would also place limits on the Department of Social Services' release of public assistance case records for research purposes.

SB 92 (Murray) – Computer Spyware Penalties: This bill would add penalties to the existing law banning spyware. It would, with some exceptions, authorize either the recipient of software transmitted in violation of the law, or an ISP, to bring an action for actual damages and/or liquidated damages of \$1,000 per violation, plus reasonable attorney's fees and costs to a prevailing plaintiff. It would make violation a crime, punishable as either a misdemeanor or a felony.

SB 96 (Murray) – Peer-to-Peer File Sharing Software: This bill would provide penalties for anyone who sells, advertises or distributes P2P file-sharing software, as defined, and who fails to exercise reasonable care to prevent use of such software to commit an unlawful act. It would authorize fines of up to \$2,500, and/or imprisonment in county jail for up to one year.

SB 97 (Murray) – Spam Penalties: This bill would make violation of existing law prohibiting using commercial email containing certain falsified, misrepresented, obscured or misleading information punishable as either a misdemeanor or as a felony. It would authorize a fine of up to \$2,500, and/or imprisonment of up to one year.

AB 67 (Chavez) – Telecommunications: Telephone Customer Proprietary Network Information: This bill would prohibit a telephone corporation or its affiliate from discriminating between customers based on a customer's consent or refusal to approve the use of or access to the customer's proprietary network information, pursuant to the federal Communications Act. It would also prohibit a telephone corporation or its affiliate from offering any financial inducement to obtain a customer's consent for such use or access.

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Legislation chaptered in [1999](#), [2000](#), [2001](#), [2002](#), [2003](#), [2004](#)